

**REMARKS**

Claims 1-2 and 4-5 are all the claims pending in the application. Claims 1-2 and 4-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,271,063 to d'Alayer de Costemore d'Arc ("d'Arc") in view of U.S. Patent No. 3,702,901 to Cherry ("Cherry") in further view of U.S. Patent No. 5,983,087 to Milne ("Milne"). For at least the following reasons, Applicant respectfully traverses this rejection.

Claim 1, from which claims 2 and 4-5 depend, recites "[a] volume controller for controlling volume balance between a front speaker and a rear speaker located within a vehicle ... wherein attenuations when acoustic waves from the front speaker and rear speaker are propagated to the prescribed position are previously recorded, and on the basis of the attenuations, the increased and decreased volumes at the front or rear speaker are computed." The Examiner acknowledges that neither d'Arc and Cherry do not teach or suggest this limitation. (Office Action at p. 9). To overcome these deficiencies, the Examiner relies on Milne, contending that Milne teaches "that attenuations when acoustic waves from the front speaker and rear speaker are propagated to the prescribed location are previously recorded (optimal parameters, including speaker gains are tried in a vehicle and stored; col. 3, lines 61-65; col. 4, lines 27-50; speaker gain for a speaker comprises determination of relative amplification/attenuation of speaker)". (Office Action at pp. 9-10). Milne, however, fails to teach or suggest such a limitation.

Milne teaches a look-up table assembled for each vehicle type by designing a set of coefficients, trying them in a vehicle of that type, and making empirical improvements until optimal performance is attained (col. 4, lines 37-40). These coefficients include speaker gains

(col. 4, line 27). Milne, however, fails to teach or suggest that these speaker gains are optimized based on the records of acoustic waves propagated to the prescribed location from the front speaker and rear speaker. One cannot fairly read Milne's definition of the optimal parameters, including the speaker gains, to teach the limitation of the present invention as recited in claim 1. Accordingly, as it is the Examiner's burden to show that the cited prior art reference teach or suggest all the claim limitations (MPEP 2142), a burden the Applicant respectfully asserts the Examiner has not met, Applicant respectfully submits that claim 1 is patentable over the cited art.

As claims 2 and 4-5 depend from claim 1, Applicant respectfully submits that these claims are patentable at least based on their dependency on claim 1.

### **CONCLUSION**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**RESPONSE UNDER 37 C.F.R. § 1.111**  
**U.S. Appl'n No. 09/986,695**

**Docket No. Q67179**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

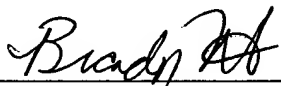
Respectfully submitted,

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